

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DR. IFEOMA EZEKWO,

Plaintiff,

-against-

OPMC, et al.,

Defendants.

22-CV-7684 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this action *pro se*. On March 13, 2023, the Court dismissed the action as frivolous. Both the order of dismissal and judgment were entered the following day. On June 16, 2023, the Court received from Plaintiff a notice of appeal, as well as a motion for an extension of time to file a notice of appeal (ECF 7), which the Court construes as brought under Rule 4(a)(5) of the Federal Rules of Appellate Procedure. The Court denies the motion as untimely. Plaintiff had 30 days from the entry of the order or judgment to file a notice of appeal, that is, until April 13, 2023. *See* Fed. R. App. P. 4(a)(1)(A). Although the Court may extend the time to file a notice of appeal to 30 days from the date the time to file expires, *see* Fed. R. App. P. 4(a)(5)(A), Plaintiff's motion was filed more than 30 days from the date her time to file a notice of appeal expired. Thus, the Court cannot extend the time to file her notice of appeal.

CONCLUSION

The Court denies Plaintiff's motion for an extension of time to file a notice of appeal. (ECF 7).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: June 20, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge